

*ITF***TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTIONS**

Docket Number 043198

In re Application of: Toshifumi HASHIBA et al.

Application No.: 10/527,636

Filed: March 15, 2005

For: FLAT PARTICLES AND PROCESS FOR PRODUCING THE SAME

The owner*, NISSHINBO INDUSTRIES, INC., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of Patent No. 7,258,921 as the term of said Patent No. 7,258,921 is defined in 35 U.S.C. 154 and 173, and as the term of said Patent No. 7,258,921 is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Patent No. 7,258,921 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the Patent No. 7,258,921, "as the term of said Patent No. 7,258,921 is presently shortened by any terminal disclaimer," in the event that said Patent No. 7,258,921 later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The owner*, NISSHINBO INDUSTRIES, INC., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of Patent No. 6,866,934 as the term of said Patent No. 6,866,934 is defined in 35 U.S.C. 154 and 173, and as the term of said Patent No. 6,866,934 is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Patent No. 6,866,934 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the Patent No. 6,866,934, "as the term of said Patent No. 6,866,934 is presently shortened by any terminal disclaimer," in the event that said Patent No. 6,866,934 later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 41,441

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SignatureDecember 13, 2007
DateLee C. Wright
Typed or printed name202-822-1100
Telephone Number

- ☒ A CHECK FOR TERMINAL DISCLAIMER FEE UNDER 37 CFR 1.20(D) IN THE AMOUNT OF \$130.00 IS ATTACHED.
The USPTO is also directed and authorized to charge all required fees for this paper to Deposit Account No. 50-2866

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.